

Message Text

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22

ORIGIN AGR-10

INFO OCT-01 AF-06 ISO-00 AID-05 EB-07 CIAE-00 DODE-00 L-03

IGA-02 /034 R

DRAFTED BY:OGSM:POD:RGODSEY:LPM

APPROVED BY:AGR:BEVIS

JKEEFER

TFREEMAN

LROTH

STATE:AF/E:ESHIPPY

AF/EPS:ESEGALL

AID:AFR/ESA:AROLLINS (INFO)

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R 140139Z APR 76

FM SECSTATE WASHDC

TO AMEMBASSY DAR ES SALAAM

AMEMBASSY NAIROBI

UNCLAS STATE 089748

NAIROBI FOR AGR ATTACHE

E.O. 11652: N/A

TAGS: EAID, TZ

SUBJECT: PL 480 TITLE I COMPLIANCE REPORTING

REF: A. DAR 1195, 4/6/76; B. STATE 75489, 3/29/76;

C. AIDTO CIRC. A-487, 7/6/74; D. AIDTO A-51, 9/4/75

1. THANKS FOR QUICK (REF A) REPLY. YOUR REMARKS (PARA 2 REF A) PROMPT RENEWAL OF OUR (PARA 3 REF B) REQUEST FOR REPORT COVERING FY 75. BASIS FOR THIS REQUIRED REPORT SET FORTH BELOW. EMBASSY MAY DRAW UPON FOLLOWING IF SEEN AS HELPFUL IN SHOWING GOT EXTENT TO WHICH THEY OBLIGED TO FURNISH ASSURANCES (OR DATA) COVERING FY 75 IN VIEW FACT PL 480 COMMODITIES WERE DELIVERED DURING FY 76.

2. A REMINDER THAT DISTINCTION EXISTS BETWEEN DELIVERY AND ARRIVAL
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(SEE PARA 2 REF A) -- AS THESE TERMS ARE USED IN CONTEXT PL 480

TITLE I OPERATIONS -- MAY BE HELPFUL IN THIS MATTER. ATTENTION INVITED TO DEFINITION OF DELIVERY SEEN PAGE 23 REF C. ALSO NOTE ENTRIES IN COLUMN 6 OF SHIPPING AND ARRIVAL REPORTS SHOW DELIVERY (AS DEFINED) OCCURRED DURING FY 75.

SUPPLY PERIOD OF AGREEMENT IS THAT PERIOD DURING WHICH DELIVERY OCCURS. NOTE (PARA 1 REF B) AGREEMENT AMENDED TO ENABLE PORTION OF DELIVERIES TO CARRY OVER INTO FY 76.

IT IS INTENDED THAT REPORTING UNDER AN AGREEMENT COMMENCE WITH THE SUPPLY PERIOD (SEE SECOND PARA UNDER 10 FASR 306.2). IN SUCH AS PRESENT CASE, WHERE SIGNING OCCURRED NEAR THE END OF SUPPLY PERIOD (FY 75). AND WHERE AGREEMENT SPECIFIES EXPORT LIMITATION PERIOD AS ENTIRE FY 75, INITIAL REPORT SHOULD COVER FULL YEAR (REF D) AND INCLUDE EITHER GOT ASSURANCES THAT PROHIBITED EXPORTS DID NOT OCCUR, OR DATA--IN EVENT ANY SUCH EXPORTS DID TAKE PLACE. NOTE ALSO DISTINCTION EXISTS BETWEEN EXPORT LIMITATIONS--WHICH APPLY TO ALL COMMODITIES (INCLUDING THOSE OF DOMESTIC ORIGIN) REGARDED AS SAME OR LIKE PL 480, AND EXPORT RESTRICTIONS--WHICH APPLY TO ACTUAL PL 480 COMMODITIES.

3. SEE STANDARD AGREEMENT (PART I ARTICLE III, PARAS A 4 AND D 4) PROVISIONS ON PAGES 22 AND 23 OF REF C AS PERTAIN TO EXPORT LIMITATIONS AND APPLICABLE REPORTING. DETAILED INFO IN THIS REGARD IS ALSO SEEN AT 10 FASR 305.4 AND 306.24.

4. PLEASE CONFIRM GOT EFFORTS ARE UNDERWAY TO FURNISH FY 75 REPORT AND ADVISE ANTICIPATED POUCHING DATE.
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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: COMMODITIES, REPORTS, PL 480 TITLE 1, EXPORT QUOTAS
Control Number: n/a
Copy: SINGLE
Draft Date: 14 APR 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Authority: n/a
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01 JAN 1960
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976STATE089748
Document Source: CORE
Document Unique ID: 00
Drafter: OGSM:POD:RGODSEY:LPM
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D760140-1101
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760461/aaaacabb.tel
Line Count: 90
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN AGR
Original Classification: UNCLASSIFIED
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: n/a
Previous Handling Restrictions: n/a
Reference: 76 STATE 75489
Review Action: RELEASED, APPROVED
Review Authority: oatisao
Review Comment: n/a
Review Content Flags:
Review Date: 28 JUN 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <28 JUN 2004 by SilvaL0>; APPROVED <03 SEP 2004 by oatisao>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PL 480 TITLE I COMPLIANCE REPORTING
TAGS: EAID, TZ, US
To: DAR ES SALAAM NAIROBI
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006